IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 13369 of 2004

Between:

M/s Jonnada Balaji and Company, 3-4-233, Tobacco Bazar, Secunderabad- 500 003, a Partnership Firm, rep.by its Managing Partner Sri J.Santhosh Kumar, S/o Late J.Venkatesham

..... PETITIONER

AND

1 The Deputy Commercial Tax Officer, Mahankali Street Circle,

VI Floor, Mayur Kushal Complex, Abids, Hyderabad
2 The Commercial Tax Officer, Mahankali Street Circle, VI Floor,
Mayur Kushal Complex, Abids, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction more particularly in the nature of Certiorari, setting aside the impugned Distraint Order in Form No.1, issued U/s 8 of the Revenue Recovery Act, dated 23-7-2004, issued by the First Respondent to the Petitioner and pass such other Order or Orders as may be deemed fit and proper in the circumstances of the case in the interests of justice

Counsel for the Petitioner:MR.G.NARENDER CHETTY

Counsel for the Respondent No.: GP FOR COMMERCIAL TAX

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice Bilal Nazki)

Distraint Order in form No.1 issued under Section 8 of the Revenue Recovery Act, 1864 dated 23-07-2004, has been challenged in this writ petition.

On instructions, learned Government Pleader for Commercial Tax submits that the notice has already been withdrawn and he received the communication from the Deputy Commercial Tax Officer, Mahankali Street Circle, VI Floor, Mayur Kushal Complex, Abids, Hyderabad.

In view of the fact that the impugned notice has already been withdrawn, the writ petition has become infructuous.

Accordingly, the writ petition is dismissed as having become infructuous. No order as to costs.

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(BILAL NAZKI, J)

10th August, 2004.

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(S.ANANDA REDDY, J)

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To

1 The Deputy Commercial Tax Officer, Mahankali Street Circle,

VI Floor, Mayur Kushal Complex, Abids, Hyderabad

2 The Commercial Tax Officer, Mahankali Street Circle, VI Floor, Mayur Kushal Complex, Abids, Hyderabad

3 Two C.Cs to the Government Pleader for Commercial Tax,

High Court Buildings, A.P., Hyderabad (OUT)

4 Two C.D copies